

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

— against —

JOSE OCTAVIO ESPARAZA-LOPEZ,

Defendant.

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 9-10-08

07 Cr. 446 (VM)

ORDER

VICTOR MARRERO, United States District Judge.

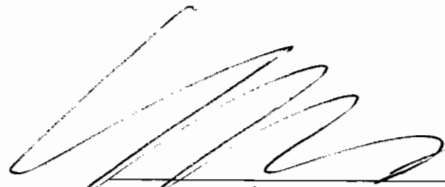
The Government (see attached letter) requests that the next conference for defendant be rescheduled from September 12, 2008 to October 17, 2008 at 3:30 p.m.

All parties to this action consent to an exclusion of the adjourned time from the Speedy Trial Act until October 17, 2008.

It is hereby ordered that the adjourned time shall be excluded from speedy trial calculations. This exclusion is designed to guarantee effectiveness of counsel and prevent any possible miscarriage of justice. The value of this exclusion outweighs the best interests of the defendants and the public to a speedy trial. This order of exclusion of time is made pursuant to 18 U.S.C. §§ 3161(h)(8)(B)(ii) & (iv).

SO ORDERED:

Dated: New York, New York
10 September 2008


Victor Marrero
U.S.D.J.



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

September 9, 2008

BY FACSIMILE (212-805-6382)

Honorable Victor Marrero
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: United States v. Jose Octavio Esparza-Lopez
S1 07 Cr. 446 (VM)

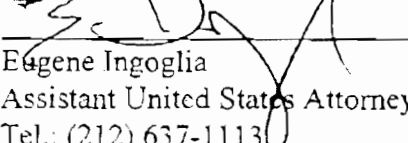
Dear Judge Marrero:

The Government respectfully submits this letter, after speaking with Your Honor's clerk, to request jointly with the defense an adjournment of the pre-trial conference scheduled for September 12, 2008 to a date convenient for the Court after the second week of October 2008.

The Government requests, with the consent of defense counsel, that the time between now and the new date of the conference, be excluded from the speedy trial calendar based on a finding that the ends of justice served by the continuance outweigh the best interest of the public and the defendant in a speedy trial under 18 U.S.C. § 3161(h)(8)(A). The defense will use the time to review discovery, and to continue discussions with the Government concerning a possible pre-trial disposition of the matter.

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney
Southern District of New York

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